

BEST AVAILABLE COPY**REMARKS**

Claims 1-24 remain pending in the application, and have not been amended. Reconsideration is respectfully requested in view of the following remarks. The following remarks are fully responsive to the Office Action and are believed to render all pending claims at issue patentably distinct over the cited references.

I. CLAIM REJECTION UNDER 35 USC § 102

Claims 1 to 24 were again rejected under 35 USC § 102 as anticipated by Diaz et al. With regard to claims 1-8, and 16-24, the rejection is believed to be in error for at least the following reason. As previously pointed out, the Diaz et al. reference fails to disclose allocating a first interval for transmission of periodic data over the databus.

The Examiner states that the Diaz reference discloses a network architecture supporting periodic and aperiodic transmission of data. Diaz discloses, however the transmission of asynchronous and isochronous data. The Diaz disclosure seems to consider isochronous data as a form of periodic data. In the instant application, however, there is a clear distinction made between periodic data and aperiodic data. Aperiodic data is that data that comprises both asynchronous and isochronous data. Periodic data as used in the instant application and as defined therein (see, for example, page 2 lines 2 et seq.) comprises "periodic or deterministic data which is communicated according to predetermined timing sequences and cycles..." The Diaz reference, on the other hand, refers only to aperiodic data in the form of isochronous data and asynchronous data. In Diaz, the isochronous data is not transmitted according to

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predetermined timing sequences, but is transmitted when needed, and while the Examiner states that data sent when needed is periodic, it certainly is not periodic in the sense of the instant invention wherein the periodic data is transmitted in each transmission frame.

The Diaz reference also provides uniform time slots in which both asynchronous and isochronous types of data are transmitted. The applicant's invention, on the other hand, provides for a fixed time interval only for the periodic data, the other time slots being assigned by the master NIC module based on the required bandwidth of each transmission as is determined by an assignment of priorities by the master timing NIC upon request from the various modules wishing to transmit data. Independent claims 1, 9, 16, and 22 clearly point out this distinction. Accordingly, it is respectfully submitted that claims 1-24 for this reason distinguish patentably over the Diaz reference. Each of claims 1, 9, and 22 additionally refer to variable intervals of transmission for asynchronous data. Diaz shows nothing of the sort, but provides a series of fixed intervals for the transmission of aperiodic data. Accordingly, it is respectfully submitted that claims 1-15, and 22-24 distinguish over the cited Diaz et al. reference for this additional reason.

With respect to claims 16-21, Diaz does not disclose the prioritization network as contemplated in claim 16. Nothing in Diaz, for example, shows a prioritization system of the instant invention. The Examiner states that the Diaz reference discloses, inter alia, a means for prioritizing an order of transmission of data. Diaz does not disclose, however, a prioritization scheme for allocating bandwidth, or transmission intervals, based on a priority system. Allocation of a time slot is not the equivalent of allocation of bandwidth, particularly

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guaranteed bandwidth as claimed in the present application. Accordingly, for this additional reason applicant believes that claims 16-21 distinguish patentably over the cited Diaz et al reference.

These comments have been previously advanced and the Examiner has nowhere responded to them.

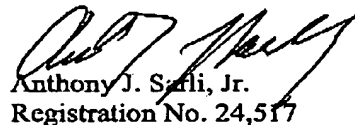
II. CONCLUSION

In view of Applicant's remarks, the Examiner's rejections are believed overcome. Accordingly, Applicant submits that the application is now in condition for allowance and such allowance is therefore earnestly requested. Should the Examiner have any questions or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (480) 385-5060.

If for some reason Applicant has not requested a sufficient extension and/or has not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

Dated Sept 17, 2003


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